

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID W. ADAMS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 13-14142

Hon. Patrick J. Duggan

Magistrate Judge Charles E. Binder

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND GRANTING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

On September 27, 2013, Plaintiff David Adams filed this lawsuit challenging a final decision of the Commissioner of Social Security denying Plaintiff's application for a period of disability and disability insurance benefits. On September 30, 2013, the lawsuit was referred to Magistrate Judge Charles E. Binder for all pretrial matters proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). Plaintiff filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 on February 6, 2014, and Defendant filed a cross summary judgment motion on March 6, 2014. On November 6, 2014, Magistrate

Judge Binder issued an R&R recommending that this Court grant Defendant's motion.

In his R&R, Magistrate Judge Binder reviews the ALJ's determination, as well as the parties' briefs, before concluding that there was substantial evidence in the record to support the ALJ's determination that Plaintiff was not under a disability as that term is used in the Social Security Act. At the conclusion of the R&R, Magistrate Judge Binder advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. He further specifically advises the parties that the "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." Neither party filed objections to the R&R.

The Court has carefully reviewed the parties' briefs as well as the R&R and concurs with the conclusions reached by Magistrate Judge Binder. The Court therefore adopts Magistrate Judge Binder's November 6, 2014 Report and Recommendation.

Accordingly,

IT IS ORDERED that Defendant's motion for summary judgment is **GRANTED**.

Dated: December 22, 2014

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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